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August 5, 2009

BY ECF

The Honorable Thomas C. Platt
U.S. District Court, Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722-4438

In re MetLife Demutualization Litigation, 00 CV 2258 (TCP) (AKT)

Dear Judge Platt:

We have received plaintiffs' letter of today's date, which responds to our letter of yesterday. In their letter, plaintiffs note that they served a discovery request on Debevoise & Plimpton LLP ("Debevoise") in connection with their motion to disqualify Debevoise from representing defendants in this action, and they ask the Court allow time for discovery and discovery disputes in the schedule on that motion.

Discovery in this action closed over a year ago.¹ We therefore do not intend to respond to plaintiffs' discovery requests, and there should be no discovery disputes for the Court to resolve.

Plaintiffs have not identified any changed circumstances beyond their control that would constitute good cause for reopening discovery a month before trial. They could have sought the discovery they now request at any time in the eight years between the filing of their initial complaint and the close of discovery. Moreover, plaintiffs have not attempted to explain why they believe the information they have previously obtained would be inadequate for the court to consider and decide their motion or what additional relevant information they expect their belated discovery request will yield. Plaintiffs already have had extensive discovery in this action, including review of Debevoise's files and depositions of four Debevoise attorneys taken several months after the two orders of the Court on which plaintiffs rely in their motion for disqualification. Plaintiffs also have had broad discovery of the defendants themselves and their other advisors.

¹ See Doc. 345 (letter from the parties proposing all discovery closed 5/8/08); 5/12/08 docket entry (magistrate judge's entry approving parties' proposed schedule); see also Doc. 364 (9/18/08 magistrate judge's order stating that discovery was closed and certifying the case as ready for trial).

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It appears that Your Honor may have signed the August 4, 2009 Order to Show Cause before receiving defendants' August 4, 2009 letter regarding scheduling. Defendants respectfully request, for the reasons set forth in our August 4 letter, that the Court shorten the schedule to the extent possible so that the issue may be resolved with a minimum of delay. Defendants remain prepared to serve opposition papers this Friday, August 7, or on any subsequent date that the Court may direct.

Respectfully yours,

/s/ Carl Micarelli

Carl Micarelli

cc: Jared B. Stamell, Esq.
Eric H. Newman, Esq.